

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY**  
**WASHINGTON BOROUGH COUNCIL MINUTES – December 20, 2016**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Deputy Mayor Heinrich read the following statement into the record:

“The requirements of the ‘Open Public Meetings Law, P.L. 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

Deputy Mayor Heinrich led everyone in the flag salute.

Roll Call: Conry, Heinrich, Higgins, Klimko, Noone, Thompson

Absent: McDonald

Also Present: Ann Kilduff, Borough Clerk; Matthew Hall, Borough Manager; Attorney Leslie Parikh; Dawson Bloom, Borough Engineer; and Councilwoman-elect Cynthia Valle

**COUNCIL APPEARANCE**

Freeholder Director Jason Sarnoski spoke briefly on the Street Smart Safety Program and presented Lieutenant John Kaufmann and the Borough with the New Jersey Transportation Planning Authority Safety Award. Lieutenant Kaufmann stated the program was meant to bring awareness to pedestrian safety and explained how the Police Department promoted awareness.

**CORRESPONDENCE**

A motion was made by Higgins, seconded by Thompson, to receive and file the correspondence.

1. Letter from the DEP re: the Community Stewardship Incentive Program – Reforestation/ Tree Planting Grant Agreement

Ayes: 6; Nays: 0

Motion Carried

**MINUTES**

**Regular Meeting Minutes December 6, 2016**

A motion was made by Noone, seconded by Conry, to approve the Regular Meeting minutes of December 6, 2016 with the correction noted by Councilwoman Noone.

Ayes: 6; Nays: 0

Motion Carried

**Executive Session Minutes of the Regular Meeting of December 6, 2016. (Proofed for Content Only)**

A motion was made by Conry, seconded by Noone, to approve the Executive Session Minutes of the Regular Meeting held December 6, 2016.

Ayes: 6 Nays: 0  
Motion Carried

**AUDIENCE**

Deputy Mayor Heinrich opened up the audience portion for remarks, petitions, statements and testimony from guests.

**Edna Detlefs, 27 Fisher Avenue**

E. Detlefs asked for an update on the Railroad Avenue crossing. Councilman Higgins stated the decision was made that the road will remain open.

Hearing no further comments, a motion was made by Klimko, seconded by Noone, to close the audience portion of the meeting.

Ayes: 6 Nays: 0  
Motion Carried

**REPORTS**

A motion was made by Higgins, seconded by Noone, to receive and file the following reports:

1. Washington Township Police – Press Release for December 6, 2016
2. Washington Township Police Department – Monthly Report for November
3. Fire Prevention Report for November/December 2016
4. Road Department – Monthly Report for November
5. Recreation Director – Monthly Report for November
6. Municipal Court Report for November
7. Veolia Wastewater System – Monthly Report for October

Councilman Higgins noted the sewer report now includes specifics on call-outs as requested by Council; however, Council still has not received cleaning requirements and schedules.

Ayes: 6 Nays: 0  
Motion Carried

**COMMITTEE REPORTS**

Councilwoman Klimko reported the Senior Advisory Committee’s trip to Longwood Gardens went well.

Councilwoman Noone reported the Code Book Committee received information from the Attorney to review and make recommendations to Council.

Streets Committee

John Burd, Road Department Supervisor, reported problems with cars being parked on the street during snow storms making it impossible for the DPW to clear the roads. Council discussed options to bring awareness that cars should be off the streets when the streets are covered in snow.

Rudy Bescherer, Code Official, reported where vehicles are constantly parked on the streets and discussed with Council.

John Monteverde, BID Director, will look into the cost of an electronic sign at the Route 57/Route 31 intersection to increase community awareness per Deputy Mayor Heinrich's request.

**OLD BUSINESS**

**Ordinance 2-2014 – An Ordinance Providing Funding for Various Capital Purposes for the Borough of Washington and Appropriating \$264,000 for Such Purposes (Second Reading, Public Hearing and Re-Adoption)**

**ORDINANCE NO. 2-2014  
BOROUGH OF WASHINGTON  
AN ORDINANCE PROVIDING FUNDING FOR VARIOUS CAPITAL PURPOSES  
FOR THE BOROUGH OF WASHINGTON AND APPROPRIATING  
\$264,000 FOR SUCH PURPOSES**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. the Borough of Washington, in the County of Warren, New Jersey, authorizes various capital improvements to be undertaken, including but not limited to: the purchase of fire gear, 4x4 truck, boiler replacement, various road improvements, including but not limited to milling and paving of Green Street, Davis Street, Youmans Avenue East, and Taylor Street, fire suppression system and sediment control in air conditioning unit for the Borough of Washington to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$264,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Capital Improvement Fund in the amount of \$264,000.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Washington may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

A motion was made by Conry, seconded by Noone to re-introduce on final passage Ordinance 2-2014.

ROLL CALL: Conry, Noone, Higgins, Klimko, Thompson, Heinrich  
Ayes: 6; Nays: 0  
Motion Carried

Deputy Mayor Heinrich opened the public portion of Ordinance 2-2014. Seeing no one, a motion was made by Higgins, seconded by Thompson, to close the public portion of Ordinance 2-2014.

Ayes: 6; Nays: 0  
Motion Carried

A motion was made by Conry, seconded by Klimko, to re-adopt Ordinance 2-2014 on second reading.

ROLL CALL: Conry, Klimko, Higgins, Noone, Thompson, Heinrich  
Ayes: 6; Nays: 0  
Motion Carried

**NEW BUSINESS**

**Resolution #189-2016 – A Resolution Authorizing the Release of Funds from Quick Chek Corporation Escrow Account Held in Trust by the Borough of Washington**

**RESOLUTION #189-2016**  
**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM**  
**QUICK CHEK CORPORATION ESCROW ACCOUNT HELD IN TRUST**  
**BY THE BOROUGH OF WASHINGTON**

WHEREAS, Steven H. Rash, R/E Project Manager, has requested the return of the funds remaining in the Quick Chek Corporation escrow account #7760883129; and

WHEREAS, Scholl, Whittlesey & Gruenberg, LLC have certified that their final invoice has been paid for services rendered and Finelli Consulting Engineers advised they had no objection to the closure of this application;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Municipal Treasurer is hereby authorized to issue a check to Quick Check Corporation in the amount of \$2,105.53 to close escrow account #7760883129.

Resolution 189-2016 was moved on a motion by Higgins, seconded by Klimko, and approved.

ROLL CALL: Higgins, Klimko, Conry, Noone, Thompson, Heinrich  
Ayes: 6; Nays: 0  
Motion Carried

**Resolution #190-2016 – A Resolution for Redemption of Tax Certificate as per NJSA 54:5 - Block 35, Lot 19**

**RESOLUTION #190-2016**  
**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**  
**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876, in the amount of \$501.09 for taxes or other municipal liens assessed for the year 2015 in the name of Heimall, Shaun as supposed owner, and in said assessment and sale were described as 102 Taylor Street, Block 35 Lot 19, which sale was evidenced by certificate #16-00036; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 12-06-16 and before the right to redeem was cut off, as provided by law, Ditech Financial LLC claiming to have an interest in said lands, did redeem said lands claimed by FWDSL & Associates LP by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,027.05 which is the amount necessary to redeem Tax Sale Certificate #16-00036.

**NOW THEREFORE BE IT RESOLVED**, on this 20th day of December, 2016 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FWDSL & Associates LP, 17 W. Cliff St., Somerville, NJ 08876 in the amount of **\$2,327.05** (This consists of \$1,027.05 Certificate Amount redeemed + \$1,300.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 35 Lot 19 from the tax office records.

Resolution 190-2016 was moved on a motion by Conry, seconded by Noone, and approved.

ROLL CALL: Conry, Noone, Higgins, Klimko, Thompson, Heinrich  
Ayes: 6; Nays: 0  
Motion Carried

**Resolution 191-2016 – A Resolution to Refund Overpayment on 2016 Real Estate Taxes**

**RESOLUTION #191-2016**  
**A RESOLUTION TO REFUND OVERPAYMENT**  
**ON 2016 REAL ESTATE TAXES**

**WHEREAS**, according to the Tax Collector's records, there is an overpayment of \$2,802.78 on 2016 4th Quarter Regular Taxes paid on property located at 11 Alvin Sloan Avenue, also known as Block 2.09 Lot 27, and in the name of Castillo, Neil & Helen; and

**WHEREAS**, Anchor Title and Corelogic Tax Service had both paid the 4th Quarter 2016 property taxes, resulting in the overpayment; and

**WHEREAS**, the Tax Collector has been resolving the matter of tax overpayments and has received a written request from Corelogic Tax Service that the overpayment be refunded to them.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$2,802.78 payable to:

Corelogic  
1 Corelogic Drive  
Westlake, TX 76262  
Attn: Refunds Unit

Resolution 191-2016 was moved on a motion by Conry, seconded by Klimko, and approved.

ROLL CALL: Conry, Klimko, Higgins, Noone, Thompson, Heinrich  
Ayes: 6; Nays: 0  
Motion Carried

**Resolution 192-2016 – A Resolution Authorizing the Return of Unexpended Funds from Street Opening Escrow Account Deposited by Vanessa Collins and Held in Trust by the Borough of Washington**

**RESOLUTION #192-2016**  
**A RESOLUTION AUTHORIZING THE RETURN OF UNEXPENDED FUNDS FROM**  
**STREET OPENING ESCROW ACCOUNT DEPOSITED BY VANESSA COLLINS AND HELD IN**  
**TRUST BY THE BOROUGH OF WASHINGTON**

**WHEREAS**, Vanessa Collins, 13 Green Street, Washington, N.J., has requested the return of the unexpended funds remaining in the Street Opening Account #7200020864 for Permit #2016-15 for 11-15 Green Street; and

**WHEREAS**, Vanessa Collins had deposited \$300.00 into the Street Opening Escrow Account and

Invoice No. 27266 dated May 25, 2016, reflects a charge for services rendered on 5/3/2016 by Finelli Consulting Engineers in the amount of \$112.50 which has been paid from the initial deposit, leaving a balance of unexpended funds in the amount of \$187.50.

WHEREAS, Dawson Bloom of Finelli Consulting Engineers advised there are no outstanding invoices and has no objection to the reimbursement of the remaining \$187.50;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Municipal Treasurer is hereby authorized to issue a check to Vanessa Collins in the amount of \$187.50 to refund the balance of the funds remaining in the Street Opening Account #7200020864 for Permit #2016-15.

Resolution 192-2016 was moved on a motion by Higgins, seconded by Thompson, and approved.

ROLL CALL: Higgins, Thompson, Conry, Klimko, Noone, Heinrich  
Ayes: 6; Nays: 0  
Motion Carried

**Resolution 193-2016 – A Resolution to Approve Signature Authorization for Checks for Warrants of the Borough of Washington**

**RESOLUTION #193-2016**  
**A RESOLUTION TO APPROVE SIGNATURE AUTHORIZATIONS FOR CHECKS OR**  
**WARRANTS OF THE BOROUGH OF WASHINGTON**

WHEREAS, Chapter 7: Claims Approval, Subsection 7-7 entitled “Checks or warrants” of the Code of the Borough of Washington states the procedure for the approval of claims and the payment of same thereof.

WHEREAS, the Subsection 7-7 further states that checks shall be signed by the Mayor, or the Deputy Mayor in his absence, and the Treasurer. At least two signatures shall appear on every check.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to authorize the Finance Office to change the signature authorizations at all financial institutions that the Borough of Washington uses as depositories to those persons holding the positions of Mayor, Deputy Mayor, and Treasurer (Chief Financial Officer) effective January 1, 2017.

Resolution 193-2016 was moved on a motion by Noone, seconded by Conry, and approved.

ROLL CALL: Noone, Conry, Higgins, Klimko, Thompson, Heinrich  
Ayes: 6; Nays: 0  
Motion Carried

**Resolution 194-2016 – Authorizing Budget Transfers for Fiscal Year 2016 Appropriations in the Amount of \$25,000 in the Current Fund**

**RESOLUTION #2016-194  
AUTHORIZING BUDGET TRANSFERS FOR FISCAL YEAR 2016 APPROPRIATIONS  
IN THE AMOUNT OF \$25,000.00 IN THE CURRENT FUND**

**WHEREAS**, N.J.S.A. 40A: 4-58 provides for appropriations transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in the excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Borough of Washington, County of Warren, State of New Jersey, the Chief Financial Officer Natasha S. Turchan, be and the same is hereby authorized to make transfers among the Fiscal Year 2016 Budget in the amount of \$25,000.00 in the Current Fund as follows:

	FROM:	TO:
Group Insurance		
Other Expenses	25,000.00	
Legal Services		25,000.00
Other Expenses		
	25,000.00	25,000.00

Resolution 194-2016 was moved on a motion by Conry, seconded by Klimko, and approved.

ROLL CALL: Conry, Klimko, Higgins, Noone, Thompson, Heinrich  
Ayes: 6; Nays: 0  
Motion Carried

**Resolution 195-2016 – A Resolution of the Borough of Washington Correcting the Erroneous Publication of Ordinance 1-2016**

**RESOLUTION #195-2016  
A RESOLUTION OF THE BOROUGH OF WASHINGTON  
CORRECTING THE ERRONEOUS PUBLICATION  
OF ORDINANCE # 1-2016**

**WHEREAS**, the Borough Council of the Borough of Washington (“Borough”) considered Ordinance # 1-2016 (“Ordinance”) on December 6, 2016; and

**WHEREAS**, the Borough Council took official action on the Ordinance; and

**WHEREAS**, the Ordinance failed by a vote of three yes (3) to three no (3) with one (1) abstention; and

**WHEREAS**, the Ordinance was erroneously advertised in the Star Gazette on December 9, 2016 as passed; and

**WHEREAS**, the Borough Council wishes to correct the error and officially state that the Ordinance has not become law

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Common Council of the Borough of Washington, County of Warren, State of New Jersey, that Ordinance #1-2016 has not been passed and is declared null and void.

Resolution 195-2016 was moved on a motion by Conry, seconded by Klimko, and approved.

Ayes: 6; Nays: 0  
Motion Carried

**Resolution 196-2016 – Resolution Approving the Terms of a Successor Collective Negotiations Agreement with CWA, AFL-CIO**

**BOROUGH OF WASHINGTON  
COUNTY OF WARREN**

**RESOLUTION 196-2016  
RESOLUTION APPROVING THE TERMS OF A SUCCESSOR COLLECTIVE  
NEGOTIATIONS AGREEMENT WITH CWA, AFL-CIO**

**WHEREAS**, the Borough of Washington (“Borough”) and the Communications Workers of America, AFL-CIO (“Union”) engaged in negotiations for successor Collective Negotiations Agreement (“Agreement”); and

**WHEREAS**, the Borough and the Union have agreed to the terms and conditions set forth in a Memorandum of Agreement (“MOA”); and

**WHEREAS**, the Union has ratified the terms contained in the MOA;

**WHEREAS**, the Borough previously approved the terms contained in the MOA; and

**WHEREAS**, the parties have prepared a draft of a successor collective negotiations agreement; and

**WHEREAS**, the Borough wishes to approve the form of the successor collective negotiations agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, as follows:

1. That the Borough hereby accepts and approves the form of the successor collective negotiations agreement with the Union;
2. The Mayor is authorized to execute the successor collective negotiations agreement on behalf of the Borough;
3. This Resolution shall take effect immediately.

Resolution 196-2016 was moved on a motion by Conry, seconded by Noone.

ROLL CALL: Conry, Noone, Heinrich

Ayes: 3; Nays: 1 (Klimko); Abstentions: 2 (Higgins, Thompson)

Motion Failed.

Deputy Mayor Heinrich stated this resolution will be discussed in Executive Session.

**Resolution 197-2016 – A Resolution for Redemption of Tax Certificate as per NJSA 54:5**

**RESOLUTION #197-2016**  
**A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE**  
**As per N.J.S.A.54:5**

**KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS**, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920, in the amount of \$191.70 for taxes or other municipal liens assessed for the year 2015 in the name of Federal Home Loan Corp as supposed owner, and in said assessment and sale were described as 29 S. Jackson Ave, Block 81 Lot 6, which sale was evidenced by Certificate #16-00055; and

**WHEREAS**, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 12-15-16 and before the right to redeem was cut off, as provided by law, PLS Title, claiming to have an interest in said lands, did redeem said lands claimed by JU Solo 401K Trust by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,985.88 which is the amount necessary to redeem Tax Sale Certificate #16-00055.

**NOW THEREFORE BE IT RESOLVED**, on this 20th day of December, 2016 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to JU Solo 401K Trust, 42 Huntington Rd, Basking Ridge, NJ 07920 in the **amount of \$2,085.88** (This consists of \$1,985.88 Certificate Amount redeemed + \$100.00 Premium).

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to cancel this lien on Block 81 Lot 6 from the tax office records.

Resolution 197-2016 was moved on a motion by Conry, seconded by Noone, and approved.

ROLL CALL: Conry, Noone, Higgins, Klimko, Thompson, Heinrich  
Ayes: 6; Nays: 0  
Motion Carried

### **VOUCHERS**

A motion was made by Conry, seconded by Higgins, to approve the vouchers and claims in the amount of \$307,314.96.

ROLL CALL: Conry, Higgins, Klimko, Noone, Thompson, Heinrich  
Ayes: 6; Nays 0; Abstentions: 1 (Thompson – Fire and EMS Only)  
Motion Carried

### **RECAP**

M. Hall will follow-up with the Sewer Plant with regards to the cleaning schedules and work on a public outreach campaign for off-street parking during snow storms.

### **COUNCIL REMARKS**

Councilwoman Noone wished everyone Happy Holidays, Merry Christmas and Happy New Year.

Councilman Thompson wished everyone a Merry Christmas and thanked Councilwoman Conry.

Councilwoman Klimko wished everyone Happy Holidays, Merry Christmas and Happy New Year. She thanked Councilwoman Conry and all those who worked with Council this past year.

Councilman Higgins spoke of the thin blue line in roadways in support and respect of our police department and spoke of legislation to post legal notices online vs. in the newspaper. He wished everyone a Merry Christmas, Happy New Year and thanked those residents in attendance.

Councilwoman Conry asked Council to make an oath to the true path in the guidance of our citizens in the Borough. She would like to see the building at 149 N. Lincoln Avenue torn down and asked Council to remember the citizens who cannot pay to park when discussing parking issues. A “Do Not Enter” sign is still

needed on Youmans Avenue. Councilwoman Conry stated she enjoyed her time on Council and wished everyone a Merry Christmas and Happy Holidays.

Deputy Mayor Heinrich wished everyone a safe and happy holiday break and a Happy New Year. He thanked Councilwoman Conry and Mayor McDonald who will both be missed on Council. Deputy Mayor Heinrich thanked M. Hall for taking the initiative to look into the contaminated sites in town. He will work with the Borough Manager to remediate the sites.

M. Hall stated a hazard assessment was done on the property at 149 N. Lincoln Avenue. Funds have been encumbered and the building should be torn down in the near future.

Council took a short recess before entering into Executive Session.

### **EXECUTIVE SESSION**

A motion was made by Noone, seconded by Conry, to approve Resolution 198-2016 - Authorizing Executive Session for the purpose of discussing a collective bargaining agreement matter a pending litigation matter, an attorney/client privilege matter and contractual matters at 8:05 pm.

Ayes: 6 Nays: 0

Motion Carried

### **RESOLUTION # 198-2016** **AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

**WHEREAS**, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

**WHEREAS**, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

**WHEREAS**, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

\_\_\_\_\_A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: \_\_\_\_\_);

\_\_\_\_\_A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

A collective bargaining agreement, or the terms and conditions thereof (Specify contract:     CWA    );

\_\_\_\_\_A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

\_\_\_\_\_Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is:      The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is:

---

\_\_\_\_\_ OR \_\_\_\_\_ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

\_\_\_\_\_Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: \_\_\_\_\_ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

\_\_\_\_\_Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

**BE IT FURTHER RESOLVED** that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

A motion was made by Noone, seconded by Conry, to come out of Executive Session at 9:32 pm.

Ayes: 6 Nays: 0  
Motion Carried

**Resolution 196-2016 – Resolution Approving the Terms of a Successor Collective Negotiations Agreement with CWA, AFL-CIO**

After discussing in Executive Session, Resolution 196-2016 was re-introduced and moved on a motion by Noone, seconded by Conry.

Roll Call: Noone, Conry, Klimko, Heinrich  
Ayes: 4; Nays: 0; Abstentions: 2 (Higgins, Thompson)  
Motion Carried

**ADJOURNMENT**

Hearing no further business, a motion was made by Thompson, seconded by Conry, to adjourn the meeting at 9:33 pm.

Ayes: 6 Nays: 0  
Motion Carried

---

Deputy Mayor Michael Heinrich

---

Ann Kilduff, RMC Borough Clerk